

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



## Weekly Legislative Report

July 12, 2019

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As a clear signal that the legislature is trying to wind up this year's Session, on Thursday an Adjournment Resolution was introduced in the Senate that calls for adjournment on Monday, July 22. It also provides that the legislature will reconvene on Tuesday, August 27 and that any legislation currently before the General Assembly can be considered at that time under the same rules that currently apply.

While an Adjournment Resolution has not been introduced in the House, a top House leader has been quoted as saying that the House is "pretty close" to agreeing with the Senate's Adjournment Resolution.

If the legislature does adjourn on June 22, the Governor will have a maximum of 30 days to veto any bills that he has received, to sign them or to allow them to go into law without his signature. By the legislature reconvening on August 27, that would give them time to review any bills that have been vetoed and to consider whether or not to try to override the veto when they reconvene on August 27.

As has been widely reported, the Governor vetoed the State Budget Bill and the House and Senate have been working to secure enough votes to override the Governor's veto. Whether or not they can do so remains to be seen.

The Senate concluded its official work on Wednesday this week and the House did so on Thursday. Both the House and Senate are scheduled reconvene on Monday evening.

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## BILL STATUS

[HOUSE BILL 67](#), Road Barrier Prohibition, which is summarized in the February 15, 2019 Weekly Legislative Report, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2019.

[HOUSE BILL 80](#), Waterfowl Hunting/Roanoke Rapids Lake, has been approved by the General Assembly and becomes effective October 1, 2019. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

The bill makes it unlawful during the waterfowl seasons to leave unattended or unoccupied equipment or vessels, such as temporary blinds, decoys, and boats that may be used for the purpose

of taking migratory waterfowl, such as ducks.

A violation is a Class 2 misdemeanor and is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with subject matter jurisdiction. This bill applies only to Roanoke Rapids Lake in Halifax and Northampton Counties.

[HOUSE BILL 98](#), Macon/Clay/No Right-of-Way Spotlighting, which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would also apply to Brunswick County.

[HOUSE BILL 106](#), PED/Inmate Health Care Reimbursement, which is summarized in the February 22, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 108](#), PED/Safekeeper Health Care Cost Recov. Pract., which is summarized in the February 22, 2019 Weekly Legislative Report, has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

The bill, as amended, would clarify that if a court extends a safekeeper order beyond the initial 30-day period, the court must set a date certain to have the matter brought back before the court to determine whether the inmate should continue to remain in the custody of the Division of Adult Correction and Juvenile Justice (DACJJ).

The bill, as amended, would also require DACJJ to conduct a reassessment of the prisoner prior to the review by the court so a determination can be made whether or not the inmate should remain in DACJJ custody. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 111](#), Supplemental Appropriations Act, would make various appropriations for current operations of State agencies, departments and institutions. The bill has been amended to provide supplemental appropriations in the event a State budget bill is not enacted into law this Session. The bill has passed the House and has been sent to the Senate for consideration.

Of interest to the criminal justice community, the bill as amended would appropriate the following funds in anticipation of key provisions of the Juvenile Justice Reinvestment Act (“raise the age”) coming into effect December 1, 2019:

1. \$22.9 million in recurring funds and \$4 million in nonrecurring funds would be appropriated to the North Carolina Department of Public Safety for the 2019-2020 fiscal year to assist with implementing the “raise the age” legislation.
2. \$87,681 in recurring funds would be appropriated to the North Carolina Office of Indigent Defense Services for the 2019-2020 fiscal year to assist with implementing the “raise the age” legislation.

[HOUSE BILL 138](#), [Damage Jail & Prison Fire Sprinkler/Penalty](#), which is summarized in the February 22, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 198](#), [Human Trafficking Commission Recommendations](#), which is summarized in the March 1, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 323](#), [Assess Costs of Local LEO Crime Lab Analysis](#), which is summarized in the March 15, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 324](#), [Cleveland County Hunting Omnibus](#), which is summarized in the March 15, 2019 Weekly Legislative Report, has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill, as amended, would also apply to [Cumberland](#) and [Yancey](#) counties.

[HOUSE BILL 325](#), [Opioid Epidemic Response Act](#), which is summarized in the June 28, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 368](#), [Bermuda Run/Speed Restrictions](#), has been approved by the General Assembly and becomes effective December 1, 2019 and applies to offenses committed on or after that date. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

The bill establishes a 25 mile per hour speed limit on all public vehicular areas (PVAs) inside the Town of Bermuda Run. However, these speed restrictions will only be effective on PVAs that have been marked by signs giving notice of the speed restrictions. This bill ONLY applies to the Town of Bermuda Run.

[HOUSE BILL 449](#), [Special Registration Plates](#), which is summarized in the March 29, 2019 Weekly Legislative Report, has passed the House, passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment.

[HOUSE BILL 474](#), [Death by Distribution/Unlawful Transaction](#), which is summarized in the March 29, 2019 Weekly Legislative Report, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2019. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 511](#), [North Carolina First Step Act](#), which is summarized in the June 28, 2019 Weekly Legislative Report, would allow a judge in a drug trafficking case to reduce fines and

impose a sentence lower than the applicable mandatory minimum prison term provided by statute if the judge finds there are substantial and compelling reasons for doing so.

The bill has been amended to require the court to make various findings before imposing a sentence lower than the applicable mandatory minimum prison term. Among those, the court would have to find that imposition of the mandatory minimum prison term would result in substantial injustice, that the defendant accepted responsibility for the criminal conduct and has agreed to participate in drug treatment, and that the defendant has not been convicted of a prior felony drug conviction and did not use violence or a firearm or other deadly weapon in the commission of the drug trafficking offense. **The North Carolina Sheriffs' Association is OPPOSED – HIGH PRIORITY to this bill and to any legislation that would reduce the current mandatory minimum prison terms for convicted drug traffickers.**

[HOUSE BILL 536, ABC Omnibus Regulatory Reform](#), which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 546, Prohibit Counterfeit/Nonfunctional Airbags](#), which is summarized in the April 5, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[HOUSE BILL 629, Law-Enforcement Mutual Aid](#), which is summarized in the April 12, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[HOUSE BILL 630, Private Protective Services Changes](#), which is summarized in the April 12, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 747, NC Missing Person Information Sharing](#), which is summarized in the April 18, 2019 Weekly Legislative Report, has been approved by the General Assembly and has been signed into law by Governor Roy Cooper with an effective date of December 1, 2019. **The North Carolina Sheriffs' Association SUPPORTS this bill.**

[HOUSE BILL 863, Qualifications for Sheriff/Expunctions](#), which is summarized in the April 18, 2019 Weekly Legislative Report, has passed the House Committee on Finance and has been sent to the Committee on Rules, Calendar and Operations of the House. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 5, Building North Carolina's Future](#), which is summarized in the February 1, 2019 Weekly Legislative Report, has been amended to change the entire content of the bill and to rename the bill the "School Safety Omnibus." The bill, as amended, would make various changes to the laws concerning school safety in North Carolina. The changes of interest to the criminal justice community include:

1. The bill would clarify that all public schools would be required to participate in a school safety exercise annually; to coordinate with local law enforcement agencies regarding the appropriate location of crisis kits; and to provide to local law enforcement the diagrams and keys to the main entrance of school buildings.
2. Nonpublic schools, private church schools and schools of religious charter would be encouraged, but not required, to develop a School Risk Management Plan (SRMP), to hold annual school safety exercises, and to provide floorplans and keys to local law enforcement for safety purposes. Currently, only public schools are required to have an SRMP, to conduct annual safety training and to provide floorplans and keys to local law enforcement for safety purposes.
3. The powers and duties of the Center for Safer Schools (CSC) of the North Carolina Department of Public Instruction would be expanded. Under these expanded duties the CSC would:
  - a. Provide training and professional development for public school personnel to ensure school personnel know how to properly engage school resource officers;
  - b. Assist law enforcement officers in active shooter response drills in schools;
  - c. Collaborate with the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission, and the North Carolina Justice Academy to establish and maintain updated training curriculum for school resource officers; and
  - d. Coordinate grants for school resource officers in elementary and middle schools.
4. A school resource officer would be defined as any law enforcement officer assigned to one or more public schools at least 20 hours per week, who assists with school safety and security, emergency preparedness and response, and any other duties assigned by the officer's employer. Currently, there is no State law that defines a school resource officer.
5. The North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission, in collaboration with the Center for Safer Schools, would be required to establish initial and continual training requirements for school resource officers. The training would include topics on mental health, students with disabilities, racial equity and crisis intervention and de-escalation.
6. Public schools would be required to report annually to the Center for Safer Schools the number of school resource officers in each public school and the source of funding and method of employment for each school resource officer.
7. Public schools would be required to conduct annual vulnerability assessments of public school buildings.

8. The Center for Safer Schools, in collaboration with the North Carolina Department of Public Instruction, would be required to develop a facility vulnerability assessment tool which would be in the form of a checklist designed to assess the potential safety vulnerabilities of school buildings based on the policies and procedures of the school. Public schools would be required to use this vulnerability assessment tool when completing the annual vulnerability assessment.

[SENATE BILL 29](#), Move Over Law/Increase Penalties, which is summarized in the February 8, 2019 Weekly Legislative Report, has been approved by the General Assembly and sent to Governor Roy Cooper for his signature.

[SENATE BILL 413](#), Raise the Age Modifications, which is summarized in the March 29, 2019 Weekly Legislative Report, has been amended to clarify that all motor vehicle offenses under Chapter 20 of our General Statutes would be excluded from juvenile court jurisdiction once key provisions of the Juvenile Justice Reinvestment Act come into effect December 1, 2019. Therefore, motor vehicle offenses for juveniles between the ages 16-18 would continue to be handled in adult court as is the current law.

The bill, as amended, would also clarify that a juvenile will be prosecuted as an adult for any criminal offense the juvenile commits after a district court or superior court conviction if:

1. The juvenile has previously been transferred from juvenile court to superior court, which resulted in a superior court conviction; or
2. The juvenile has previously been convicted in either district court or superior court for a felony, misdemeanor, or driving while impaired offense. Misdemeanor motor vehicle violations and infractions would not be considered a conviction for this purpose.

**The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 493](#), DVPO Abuser Treatment/Time of Expiration, which is summarized in the April 5, 2019 Weekly Legislative Report, has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment.

[SENATE BILL 574](#), Modify Physical Therapy Definition, has been amended to change the entire content of the bill and to rename the bill the “Gaming Commission.” The bill, as amended, would establish the North Carolina Gaming Commission (currently the North Carolina Lottery Commission) whose responsibilities would include overseeing the operation of gaming in North Carolina, including the Lottery, bingo and raffles, and the regulation of boxing.

[SENATE BILL 584](#), Criminal Law Reform, which is summarized in the April 5, 2019 Weekly Legislative Report, has been amended to require all State agencies, boards, and commissions that have the power to define conduct as a crime in the North Carolina Administrative Code to create a list of all crimes defined by the agency, board, or commission that are in currently in effect or pending implementation.

The bill, as amended, would require the agency, board, or commission to submit the list to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety no later than November 1, 2019.

[SENATE BILL 682](#), [Implement Crime Victim Rights Amendment](#), which is summarized in the June 28, 2019 Weekly Legislative Report, has passed the Senate and has been sent to the House for consideration.

[SENATE BILL 686](#), [Appointments Bill 2019](#), would make numerous appointments to State commissions and boards upon the recommendation of the President Pro Tempore of the Senate. Among those of interest to the criminal justice community are:

The President Pro Tempore of the Senate would make the following appointments:

1. Stacey Gonyer of Guilford County would be appointed to the 911 Board for a term expiring on December 31, 2022, which would fill the unexpired term of Heather Campbell.
2. Michael Slagle of Mitchell County, Ronald Parrish of Alamance County, Teresa Jardon of Catawba County, and Richard Epley of Burke County would be reappointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2021.
3. Cathy Cloninger of Gaston County, Kristy Dickerson of Caswell County, Nora Salinas of Rockingham County, Sherry Honeycutt Everett of Moore County, and Jennifer Howell of Harnett County would be appointed to the Domestic Violence Commission for terms expiring on August 31, 2021.
4. Sheriff Larry Pierce of Wayne County would be appointed to the Domestic Violence Commission for a term expiring on August 31, 2021, which would fill the unexpired term of Gregory Light.
5. Benjamin Curtis of Rockingham County and Pamela Thomas of Alamance County would be appointed to the Governor's Crime Commission for terms expiring on February 28, 2021.
6. Nada Lawrimore of Wilkes County would be appointed to the Private Protective Services Board for a term expiring on July 1, 2021.
7. Stacy Buff of McDowell County and David Stephens of Union County would be appointed to the Private Protective Services Board for terms expiring on July 1, 2022.

**Introduced by Senator Rabon, and assigned to the Committee on Rules and Operations of the Senate.**

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The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

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